

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ROSS ROGGIO,  
ROGGIO CONSULTING, LLC

3:CR-18-0097  
(JUDGE MARIANI)

FILED  
SCRANTON

NOV 16 2022

**ORDER**

PER    
DEPUTY CLERK

The background of this Order is as follows:

The Court has received a letter from Defendant Ross Roggio dated November 7, 2022, and docketed on November 14, 2022, in which he indicates that he simultaneously sent a letter to privately retained counsel, Jason Shrive, Curt Parkins, and Matthew Comerford, terminating their representation. (Doc. 181 at 1 (sealed).) Defendant Roggio states that he is aware of the date-certain trial commencement date of February 6, 2023, and asks only that the Court allow new counsel to supplement the pending pretrial motions and file other motions. (Doc. 181 at 2.)

Because Defendant Roggio engaged private counsel, he may terminate their representation and obtain new counsel. However, Defendant Roggio's request to supplement pending pretrial motions and file additional motions will be denied.

During the early stages of this case, Defendant sought and was granted numerous extensions of time to file pretrial motions and eventually did so. (Docs. 23, 24, 27, 28, 33, 35, 38, 39, 42, 43 44, 45,46, 48.) The Court held a suppression hearing on May 27, 2021,

(Doc. 103) and, after delays related to post-hearing briefing (see Docs. 104-111), the Court denied pending pretrial motions on November 2, 2021, (Docs. 112-115). On the same date, the Court set this case for trial to commence on January 18, 2022. (Doc. 116.) The Court granted Defendants' December 14, 2021, motion to continue trial (Doc. 117) and rescheduled trial for March 7, 2022 (Doc. 118). The Court granted Defendants' second motion to continue trial filed on February 3, 2022, and rescheduled trial for June 27, 2022 (Doc. 121).

The Government filed a Superseding Indictment on February 15, 2022. (Doc. 122.) On June 3, 2022, the parties filed a joint motion to continue trial (Doc. 149) which the Court granted by Order of the same date rescheduling the trial to February 6, 2023, (Doc. 150).

Therein, the Court stated that

[t]he Court finds that the ends of justice will be served by continuing trial for the reasons set forth by the parties in support of the motion to continue and that such a delay outweighs the best interests of the public and the Defendant in a speedy trial. Accordingly, the time between the date of this Order and the date of the Commencement of trial is excluded from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(7).

(Doc. 150 ¶ 11.)

Thereafter, Defendants retained private counsel. Attorneys Parkins and Comerford entered their appearances on August 9, 2022. (Docs. 151, 152.) Attorney Shrive entered his appearance on August 10, 2022.

On August 15, 2022, Defendants' counsel filed the Motion for Leave to File Pretrial Motions (Doc. 154) which the Court granted as modified on August 17, 2022, (Doc 157).

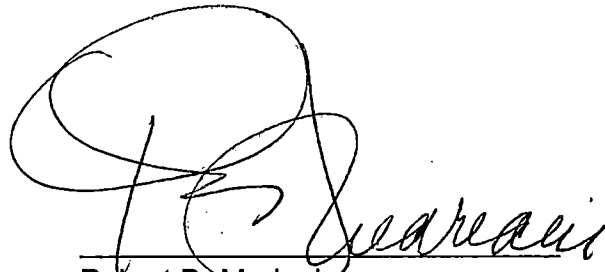
With the Order, the Court allowed pretrial motions to be filed no later than September 19, 2022, and limited the motions to new claims and allegations set forth in the Superseding Indictment. (Doc. 157 ¶ 1.) The Court stated in the order that the time related to extension of time was excluded from the speedy trial calculation pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). (*Id.* ¶ 3.)

Defendants thereafter sought extensions of the established pretrial motion deadline. (Docs. 160, 164.) The Court allowed Defendants additional time to file pretrial motions and reminded defense counsel that the February 6, 2023, date established for the commencement of trial is a date certain. (See Doc. 163 at 4 (citing Doc. 150).) Defendant filed four pretrial motions (Docs. 166, 168, 170, 172) which are now ripe for disposition.

At this juncture, the Court finds no basis to grant Defendant Roggio's request to be allowed a third opportunity to file pretrial motions or supplement motions which are ripe for disposition. He is free to hire new counsel, but the time for pretrial filings has passed and the Court will not alter the current pretrial schedule to allow new filings or extend other deadlines previously established (see Doc. 150). Although the Court will not allow further pretrial motion filings, the deadline for filing motions in limine set out in the Court's June 3, 2022, Order has not yet passed. (See Doc. 150 ¶ 4.) Therefore, within the motion in limine context, new counsel will have an opportunity to present pertinent matters to the Court before the trial commences on February 6, 2023.

ACCORDINGLY, THIS 16<sup>th</sup> DAY OF NOVEMBER 2022, upon consideration of Defendant Roggio's correspondence (Doc. 181), **IT IS HEREBY ORDERED THAT:**

1. Defendant Roggio's request to be allowed further pretrial motions filings is **DENIED**;
2. Attorneys Comerford, Parkins, and Shrive shall continue their representation of Defendants until such time as new counsel enters an appearance;
3. The Court's Order of June 3, 2022, setting forth trial and pretrial conference dates as well as the filing schedule for motions in limine and other pretrial filings remains in full effect including the exclusion of the time between the date of the Order and the date of the commencement of trial from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(7).



Robert D. Mariani  
United States District Judge